

REMARKS

Claim 30 is pending in this application. Claim 30 is amended above. The amendment to capitalize Reference Data is consistent with the specification such as at page 2 in the Background section, and should make for easier reading. The amendment to cancel “computer-implemented” follows from the Examiner’s remarks on March 19, 2009 in the telephone interview; to advance prosecution instead above the claim recites the Reference Data Facility (see, e.g., Applicants’ specification at page 4, lines 7+ in the Summary of the Invention).

We thank the Examiner and his supervisor for the telephone interview on March 19, 2009.

Claim 30 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Cross et al (US Patent 4,815,030) in view of Beaulieu et al. (US Patent 5,502,637).

Applicants respectfully traverse this obviousness rejection.

Cross et al is much more removed from Applicants’ Claim 30 than the Examiner has admitted. For example, Applicants’ Claim 30 recites “Reference Data”. Reference Data is a phrase with a specific meaning in the financial industry and “is the detailed descriptive information for financial instruments, the parties who trade them, and the companies who issue them. Reference Data provides the foundation for all securities processing and management reporting.” Applicants’ specification, Background, page 2, lines 1-7. Neither Cross et al, nor Beaulieu et al, disclose working with Reference Data.

Moreover, neither Cross et al nor Beaulieu et al disclose “a Reference Data provider” as in Applicants’ Claim 30. Before Applicants’ invention, “[h]istorically, firms have built and maintained their own stores of Reference Data in isolation from other firms.” Applicants’ specification, page 2, lines 8-9. Neither Cross et al nor Beaulieu et al teach or suggest to a person of “ordinary” skill in the art to do otherwise than for each financial firm to

continue to build and maintain its own store of Reference Data in isolation from other firms.

Likewise, Cross et al and Beaulieu both completely lack any teaching of a Reference Data Facility.

Therefore Applicants' Claim 30 is dealing with a completely new situation that is even much more removed from Cross et al than the Examiner has thus far admitted.

Nor does Cross et al disclose performing all of the steps in Applicants' Claim 30 through line 46 "while ensuring that no customer is aware of, has access to, or otherwise benefits from a vendor data content unsubscribed for that customer" (Applicants' Claim 30, lines 47-49, emphasis added). A person of "ordinary" skill in the art reading Cross et al and Beaulieu et al would be very far from Applicants' Claim 30 at least because he would think only of the conventional situation of each financial firm building and maintaining its Reference Data and would be completely without the concept of a Reference Data provider, thus he would never have occasion to even be thinking in terms of the "while ensuring..." in Applicants' Claim 30, lines 47-49.

Moreover, Cross et al even in his other context was not even disclosing "ensuring that no customer is aware of, has access to, or otherwise benefits from a vendor data content unsubscribed for that customer" (Applicants' Claim 30). Rather, Cross et al merely disclosed that "the remote data base must transmit data to all subscribing terminals along a single communications line and rely on the multiuser system to properly distribute the data to those terminals which have subscribed" (cols. 1-2). The focus in Cross et al is on avoiding delay (col. 2), and Cross et al expresses no concern about "ensuring..." as in Applicants' Claim 30.

We also submit that the proposed combination of Cross et al and Beaulieu is artificial and not how a person of "ordinary" skill in the art would have thought. Cross et al is cited in 86 later US patents, of which Beaulieu et al., the secondary reference now relied upon by the Examiner, is one. A person of "ordinary" skill in the art reading Beaulieu et al would see that Beaulieu et al in their Background do discuss a number of previous US

patents (see Beaulieu, at cols. 1-2), but Cross et al (US Patent 4,815,030) is not discussed. Therefore, the combination of Cross et al and Beaulieu et al would not naturally be in the mind of a person of “ordinary” skill in the art at least for the reason that he would see that inventors Beaulieu and Cutright themselves had not seemed interested in Cross et al or to connect their work to Cross et al.

Beaulieu et al is itself cited in 68 later US patents, but none also cite Cross et al. That this did not happen tends to rebut the Examiner’s theory of combining the two references.

Moreover, as we have pointed out above, even with both Cross et al and Beaulieu et al, still a person of “ordinary” skill in the art does not have Applicants’ Claim 30 suggested to him, at least for the reason that he is still without a teaching of working with Reference Data, and still without a teaching of rejecting the accepted approach that financial firms build and maintain their own Reference Data. The “Reference Data provider” in Applicants’ Claim 30 is not in the prior art. Indeed, the fact that despite the existence of many later US patents citing Cross et al, the Examiner still cites nothing as being closer art to Applicants’ Claim 30 than Cross et al (1989) itself, is evidence that the art had not gone in the direction of Applicants’ Claim 30.

For all the above reasons, Claim 30 should be recognized to be more removed from Cross et al and Beaulieu et al than was admitted by the Examiner in the office action. Moreover, the differences between Cross et al and Claim 30 should be recognized to be patentable. Reconsideration and withdrawal of the obviousness rejection are respectfully sought.

In view of the foregoing, it is requested that the application be reconsidered, that claim 30 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please

charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 50-0510 (IBM-Yorktown).

Respectfully submitted,



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